

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

UNITED STATES, *et al.*,

Plaintiffs-Appellees,
vs.

AMERICAN EXPRESS CO., *et al.*,

Defendants-Appellants.

No. 15-1672

**DECLARATION OF
KEVIN J. ORSINI IN SUPPORT
OF MOTION TO FILE UNDER
SEAL**

I, Kevin J. Orsini, declare as follows:

1. I am a member of Cravath, Swaine & Moore LLP, counsel for Defendants-Appellants American Express Company and American Express Travel Related Services Company, Inc. (collectively, "Amex") and am a member of the Bar of this Court. I submit this declaration in support of Amex's motion for leave to file under seal the Brief of Defendants-Appellants American Express Company and American Express Travel Related Services Company, Inc. (the "Amex Brief"), which Brief is due to be filed today.

2. Many of the exhibits admitted during the trial of this action contain the confidential and competitively sensitive information of Amex, as well as a number of non-parties.

3. Exhibits containing such confidential information were the subject of numerous motions in the District Court, filed by Amex as well as non-parties, regarding the procedures for the treatment of confidential information at trial. See D.Ct. Dkt. 392, 401, 402, 404, 406, 409, 417, 421, 424, 428, 429, 434, 435, 443, 444, 448, 451, 452, 453, 457, 459, 463, 467, 470, 473, 474, 476, 477, 478, 479, 482, 485, 494, 519.

4. The District Court granted those motions in relevant part, in a Provisional Order dated July 3, 2014 (D.Ct. Dkt. 530), a true and correct copy of which is attached as Exhibit A hereto.

5. In the Provisional Order, the District Court so-ordered the Stipulation Regarding the Procedures For the Treatment of Confidential Information at the Trial Scheduled for July 7, 2014, dated July 3, 2014 (D.Ct. Dkt. 529) (the “Stipulation”), a true and correct copy of which is attached as Exhibit B hereto.

6. The Amex Brief discusses confidential information contained in certain trial exhibits that were admitted into the record under seal or in redacted form, pursuant to the Stipulation, as so-ordered by the District Court.

7. Accordingly, in order to protect the confidential status of the information discussed in the Amex Brief, Amex respectfully requests that the Amex Brief be filed under seal.

8. Should the Court grant this motion, Amex will file a redacted version of the Amex Brief within seven days, pursuant to Local Rule 25.1(j)(2).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2015



Kevin J. Orsini